

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LA JOMAC GROUP, INC.,
JAG PREMIER, INC.,
DATA PROCESSING SPECIALISTS, INC.,
PANGEA INDUSTRIES, LLC,
BARRIO STREET REALTY, LLC, AND
PANGEA ENTERPRISES, INC.**

and

**Cases 15-CA-137333
15-CA-137337**

CHARLES LEBLANC

ORDER¹

The petition to revoke subpoena ad testificandum A-1-NO35P1 filed by Jorge Guerrero is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).³

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Petitioner's argument that the subpoena should be revoked because the unfair labor practice charge is barred by Sec. 10(b) is without merit. Issues regarding Sec. 10(b) are generally not considered in an investigative subpoena context. See, e.g., *NLRB v. The Bakersfield Californian*, 128 F.3d 1339, 1341 (9th Cir. 1997) ("Like other defenses to an unfair labor practice complaint, a section 10(b) statute of limitations defense is not properly evaluated in a subpoena enforcement proceeding").

³ Member Miscimarra agrees that the petition to revoke should be denied since Petitioner has failed to raise any meritorious grounds for revocation. In Member Miscimarra's view, consistent with his position in *Christus St. Vincent Regional Medical Center*, 28-CA-149798 (Aug. 24, 2015), *CCR Fire Protection, LLC*, 15-CA-134356 (Feb. 23, 2015), and *International Union of Elevator Constructors (Otis Elevator)*, 29-CB-084077 (Aug. 29, 2014), the instant subpoena ad testificandum, which only identifies the case name and number, is deficient because it fails to state with sufficient

Dated, Washington, D.C., November 23, 2015

PHILIP A. MISCIMARRA,	MEMBER
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KENT Y. HIROZAWA,	MEMBER
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LAUREN McFERRAN,	MEMBER
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particularity the evidence being sought. He concurs, however, in the denial of the petition to revoke in the absence of any objection to the subpoena on this basis.